



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN
Chief Administrative Officer

January 16, 2004

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Yvonne Brathwaite Burke
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

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MOTION TO SUPPORT AB 384 (LESLIE) – PROHIBITION OF TOBACCO PRODUCTS IN STATE CORRECTIONAL FACILITIES (ITEM NO. 58-A, AGENDA OF JANUARY 20, 2004)

Item No. 58-A on the January 20, 2004 Agenda is a motion by Supervisor Antonovich to support AB 384 (Leslie) and to send a five signature letter to the Governor and the County Legislative Delegation urging passage of this legislation.

As amended on March 24, 2003, AB 384 eliminates the authority of the California Department of Corrections (CDC) and the California Youth Authority (CYA) to sell or supply tobacco products to any person confined in any institution or facility under their jurisdiction, and requires the adoption of regulations prohibiting the possession of tobacco products by inmates.

Existing law allows the Director of the CDC to prescribe and amend rules and regulations for the administration of state prison facilities, including the ability to maintain a canteen and sell tobacco products therein. Also, the Director of the CDC may sell or supply tobacco to any person confined who is 16 years old or older if the parent or guardian consents. CDC inmates are allowed to smoke in the prison yard and in areas designated by each institution head, and an inmate may have tobacco in his/her possession when placed in disciplinary detention. The current practice of the CYA is to prohibit the possession and use of tobacco products by wards/inmates. AB 384 would make this a statutory prohibition.

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According to the Committee on Public Safety analysis, three State institutions, Wasco State Prison, the California Men's Colony in San Luis Obispo, and the California Medical Facility in Vacaville are tobacco free and report no residual behavioral problems as a result of the ban. Also, in a January 14, 2004 article in the Los Angeles Times it was noted that there are 17 other states that ban tobacco use in prisons.

According to the Author's statement, a study conducted by the California Department of Health Services reported that in California it costs an average of \$3,500 per smoker, each year, in health care costs. Approximately half of the 160,000 California inmates are smokers therefore the State can expect to save \$280 million per year in smoking related health care costs.

According to Los Angeles County Sheriff and Probation Office, County facilities have been tobacco free for a number of years. Therefore, when an inmate transfers from a County facility to a State facility, the inmate has already been in a tobacco free environment for up to a year. The Sheriff's Department indicates that the transition for inmates who smoke can be difficult when they are transferred to a tobacco-free County facility from a State facility that permits the use of tobacco products.

There is no existing Board policy on this issue. Therefore, a position on AB 384 is a matter for Board determination.

In support of AB 384 are the California Correctional Supervisors Organization (sponsor) and the California Medical Association. The Friends Committee on Legislation is opposed. AB 384 is in the Assembly Appropriations Committee and is scheduled to be heard on January 21, 2004.

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MAL:JF:JL:ib

c: Executive Officer, Board of Supervisors
 County Counsel